S.B. Civil Writ Petition No.2100/06
Manohar Singh Vs. State & Ors.

Date of Order : 20/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. L.L. Gupta, for petitioner

Instant petition has been filed questioning the order of removal from service passed by the Disciplinary Authority after holding inquiry under CCA Rules vide order dt.11th February, 2003 [Ann.8] and so also rejection of appeal and the review preferred by him vide orders dt.28th August, 2003 [Ann.10] & dt.28th April, 2005 [Ann.12] respectively.

The petitioner while holding the post of Head Constable was charge sheeted for wilful absence from duty and charge in respect of wilful absence found proved against him for the period of more than 830 days by the Inquiry Officer and the said finding was also accepted by the Disciplinary Authority as is evident from order dt.11th February, 2003 [Ann.8]. The appeal and so also review was also rejected against the said order.

Counsel for petitioner contends that the petitioner remained absent from duty because of his illness and documents were furnished by him with

regard to his illness for the aforesaid period, but the same was not considered by the respondents, as such the very finding recorded of wilful absence is not supported by material on record and the impugned decision deserves to be set aside.

I have considered the submission made by the counsel and perused the material available on record.

The finding recorded by the Inquiry Officer with respect to petitioner's absence for 830 days is duly supported by material on record and the Disciplinary Authority after taking note of record of inquiry concurred with the same and passed the impugned punishment, which has been upheld by the Appellate/Reviewing Authority. I do not find any error in the said decision.

Consequently, the writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB